

# Notice of Allowability

Application No.

09/755,433

Examiner

NANCY T. LE

Applicant(s)

WONG ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the petition to withdraw from Issue & the Cont'd Exam. requests filed on 21 November 2006.
2. ☒ The allowed claim(s) is/are 2,5,6,8-10,12,15,16,18 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>21 November 2006.</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                            | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **Acknowledgements**

1. Applicants' requests for petition to withdraw from issue and continued examination with consideration of the Information Disclosure Statement (IDS) filed on 21 November 2006 is acknowledged.
2. This paper is assigned Paper No. 20070327 by the Examiner.

### **Information Disclosure Statement**

3. The information disclosure statement (IDS) submitted on 21 November is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Status of Claims**

4. Claims 2, 5, 6, 8-10, 12, 15, 16, 18 and 19 are allowed.
5. Claims 1 and 11 are canceled.

### **Reasons For Allowance**

6. The following is the Examiner's statement of reasons for allowance:

None of the prior art of record, whether has been or has not yet been applied, taken individually or in combination thereof, disclose(s) at least the method step or system components of:

- *enabling a complete installation of the software product on the local machine, including installing at least one run-time file needed to execute the software product, in response to the match between the generated installer identifier and the stored installer identifier;*
- *whereby the stored license file is associated only with the software product installed on the local machine and the hardware identifier is associated only with the local machine, and the stored license file can be subsequently accessed to enable the execution of the completely installed software product including the installed at least one run-time file on the local machine but cannot be used with a separate software product or to execute the software product on a machine other than the local machine;*
- *receiving a software product key; and*
- *wherein installing on the local machine the at least one run-time file needed to execute the software product occurs in response to a determination that the received software product key is a correct software product key.*

More specifically, the prior art of record fails to disclose installation of software on a local machine after receiving a software product key and executing a run-time file after determining that the software key is correct. Independent Claims 8 and 18 are distinguished over the closest prior art of *Schneck et al*, (US 5,933,498 A), which teach installation of software products on local machines, of *Alexander* (US 6,134,593) which teaches a method including storing an installation identifier on a local machine such that the installation identifier, once defined, may be used many times for separate products from a given vendor, of *Slivka* (US 6,049,671) which teaches the usage of hashing algorithm, taken alone or in combination thereof. As recited in independent

claims 8 and 18, it is clear that the Applicant's invention is distinguished over the Schneck, Alexander, and/or Slivka invention(s), taken alone or in combination thereof, in at least the method step and/or system component of receiving the software key during an installation and verifying it is the correct key.

8. Any comments considered necessary by applicant must be submitted ***no later than the payment of the issue fee and***, to avoid processing delays, ***should preferably accompany the issue fee***. Such submissions should be clearly labeled “**Comments on Statement of Reasons for Allowance.**”

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- KUPRIONAS, PAUL (U.S. Patent No. 6,948,168 B1) discloses licensed software application installer.
  - SINGH et al. (U.S. Patent No. 6,816,842 B1) disclose a method and apparatus for automatically processing business contract information into licensed end-user application.
  - HICKS et al. (U.S. Patent No. 6,567,793 B1) disclose remote authorization for unlocking electronic data system and method.
  - HORSTMANN, CAY S. (U.S. Patent No. 6,044,469) discloses software publisher or distributor configurable software security mechanism.
  - AURA, TUOMAS “Proceedings of the USENIX Workshop on Smartcard Technology” © 05-1999 discloses software licensing management with smart cards.

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- HOLMES, KEITH (EP 463251 A1) discloses a software installation method over a network.
10. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.
  11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.
  12. ***For official/regular communication***, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.
  13. ***For informal/draft communication***, the fax number is **(571) 273-7066 (Rightfax)**.
  14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for *published* applications may be obtained from either Private PAIR or Public PAIR. Status information for *unpublished* applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

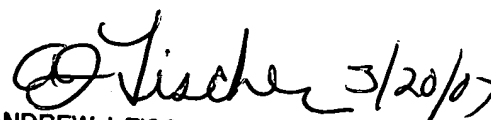


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Nancy Le

Patent Examiner

27 March 2007



ANDREW J. FISCHER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

27 March 2007